



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Joanne Sturges, Acting Executive Office
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Acting Director of Planning
County Counsel

At its meeting held March 28, 2006, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

Hearing on proposed amendments to the County Code, Title 22 - Planning and Zoning, to establish new land use standards and case processing procedures for medical marijuana dispensaries in certain commercial and industrial zones in the unincorporated area of the County (All Districts); also approval of Negative Declaration (ND) and determination that the project will not have a significant effect on the environment or adverse effect on wildlife resources, that the proposed amendments are consistent with the Los Angeles County General Plan, and that the ND reflects the independent judgment of the Board, as further described in the attached letter from the Acting Director of Planning dated February 13, 2006.

All persons wishing to testify were sworn in by the Deputy Executive Officer of the Board. Leonard Erlanger, Julie Moore, and Mi Kim, representing the Department of Regional Planning and Richard Weiss, Assistant County Counsel testified. Opportunity was given for interested persons to address the Board. Rebecca Wayne representing Assemblyman Paul Koretz, Richard Eastman, James Shaw, Amanda Brazel and other interested persons addressed the Board. Correspondence was presented.

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Supervisor Antonovich made the following statement:

“Staff is recommending an ordinance to regulate medical marijuana dispensaries by requiring a Minor Conditional Use Permit (CUP). For minor CUP’s the Regional Planning Commission determination is final and is not appealable to the Board of Supervisors. These applications should not be delegated to an appointed decision-making body. The Board of Supervisors should provide concerned residents with an opportunity for a full public hearing before their elected representatives.”

After discussion, Supervisor Antonovich made a motion, seconded by Supervisor Knabe, that the Board direct County Counsel and the Acting Director of Planning to prepare the final ordinance with a modification to require a Conditional Use Permit, rather than a Minor Conditional Use Permit for medical marijuana dispensaries. Said motion failed to carry by the following vote: Ayes Supervisors Knabe and Antonovich; Noes: Supervisors Molina, Burke and Yaroslavsky.

Supervisor Knabe made the following statement:

“More and more communities are passing legislation and ordinances to address the growing number of medical marijuana dispensaries in California. With today’s hearing, Los Angeles County joins the growing ranks of communities and cities dealing with this important issue.

“The Board of Supervisors needs to develop a balanced ordinance that addresses current and future medical marijuana dispensaries within the unincorporated areas of Los Angeles County. There are, however, a few areas of concern within current proposed ordinance that deserve stronger rules and closer examination.

“First, dispensaries should not be in the business of selling equipment used in the inhalation or consumption of marijuana, nor should they be permitted to sell alcohol on site.

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“Second, law enforcement personnel have reported a growing abuse by dispensaries creating food products containing marijuana with packaging and ingredients to mimic real products. Police have reported these disguised products routinely falling into the hands of minors or people not holding medical marijuana prescriptions. A ban on the sale and production of these products within dispensaries is a balanced and necessary step to curbing this abuse.”

Therefore, Supervisor Knabe made a motion, seconded by Supervisor Antonovich, that the proposed ordinance relating to medical marijuana dispensaries be amended as follows:

1. Ban the sale and display of drug paraphernalia within a marijuana dispensary;
2. Prohibit the sale or consumption of alcohol at a marijuana dispensary; and
3. Require that any refreshment, beverage or edible produced or sold on-site be properly identified as containing marijuana.

At the suggestion of Supervisors Burke and Yaroslavsky, the Mayor ordered a division of the question on Supervisor Knabe’s three recommendations amending the proposed ordinance relating to medical marijuana dispensaries.

Supervisor Knabe’s recommendation number 1 relating to a ban on the sale and display of drug paraphernalia within a marijuana dispensary failed to carry by the following vote: Ayes: Supervisors Knabe and Antonovich; Noes: Supervisors Molina, Burke and Yaroslavsky.

Supervisor Knabe’s recommendation number 2 relating to the prohibition on the sale or consumption of alcohol at a marijuana dispensary was duly carried by the following vote: Ayes: Supervisors Molina, Burke, Knabe and Antonovich; Noes: Supervisor Yaroslavsky.

Supervisor Knabe’s recommendation number 3 relating to the requirement that any refreshment, beverage or edible produced or sold on-site be properly identified as containing marijuana, was duly carried by the following vote: Ayes: Supervisors Molina, Burke, Yaroslavsky, Knabe and Antonovich; Noes: None.

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Duly carried by the following vote: Ayes: Supervisors Molina, Burke, Knabe and Yaroslavsky; Noes: Supervisor Antonovich, the Board closed the hearing and took the following actions:

1. Considered and adopted the attached Negative Declaration (ND) together with any comments received during the public review process, certified its completion, and made a finding that there is no substantial evidence that the project will have a significant effect on the environment, and that the ND reflects the independent judgment and analysis of the County;
2. Approved the recommendations of the Regional Planning Commission to establish new case processing procedures and conditions of use for medical marijuana dispensaries in certain commercial and manufacturing zones; and made a determination that the proposed amendments are consistent with the Los Angeles County General Plan;
3. Made a finding that the proposed amendments to Title 22 - Planning and Zoning of the Los Angeles County Code, are de minimus in their effect on fish and wildlife resources; and authorized the Acting Director of Planning to complete and file a Certificate of Fee Exemption for the project; and
4. Instructed County Counsel to prepare an ordinance amending Title 22 - Planning and Zoning of the Los Angeles County Code, as recommended by the Regional Planning Commission, with the following modifications to provide for:
 - A prohibition on the sale or consumption of alcohol at a marijuana dispensary.
 - A requirement that any refreshment, beverage or edible produced or sold on-site be properly identified as containing marijuana.

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In addition, Supervisor Molina requested Regional Planning Department staff to monitor and report back in 6 months regarding the duration of the minor conditional use permit vs. the major conditional use permit process.

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Attachments

Copies distributed:

- Each Supervisor
- Acting Director of Health Services
- Chief Administrative Officer
- Director of Public Health
- President, Business License Commission
- Contact, Business License Commission